

DOCKET NO.: DBD CV15 6016722-S

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: SEPTEMBER 22, 2015

**RESPONSE TO DEFENDANT'S REPLY TO PLAINTIFFS' OBJECTION TO
DEFENDANTS REQUEST FOR EXTENSION OF TIME TO ANSWER DISCOVERY**

As Plaintiffs stated in their original Objection to the instant Request for Extension of Time, the Defendants have already objected to *every* discovery request posed by the Plaintiffs (Defendants' Objection to Plaintiffs' Discovery requests dated June 18, 2015 attached hereto as "Exhibit A"). A close inspection of same exhibit will show that the Defendants did, in fact object to every discovery request which the Plaintiffs served upon them. But again, the more curious part is that following objecting to all of Plaintiffs' discovery requests, the Defendants requested an additional four (4) (July 7, 2015 twice; August 14, 2015, September 14, 2015; as well as May 28, 2015, which was before they entered their objections to all the plaintiffs' discovery requests, and all of these extensions were in addition to the standard time in which the defendants had to answer the Plaintiffs' discovery requests as served;) So it is actually the Defendants who are misrepresenting how much time they in

fact have had to respond to Plaintiffs' discovery; and, as the attached exhibit demonstrates, that they did in fact object to every request which Plaintiffs filed.

What is more disturbing is the fact that the last request for an extension of time was filed on the exact same day upon which all counsel appeared before this Honorable Court and scheduled a discovery conference to address the issues with discovery which currently exist in the case.

Therefore, undersigned is confused by the timing of this request on two separate grounds: 1) why would the defendants feel the need to request an extension of time to respond to interrogatories and production when they had already objected to every single discovery request made by the Plaintiffs back on June 18, 2015; and 2) Why would the defendants decide to request another extension post-objection, *on the same day* which the parties appeared in court and scheduled a hearing to take place in October to settle these very discovery issues? From the perspective of the undersigned counsel for the Plaintiffs, the Defendants had an opportunity to respond to the Plaintiffs' discovery back in April of 2015 when it was served upon them. Instead the Defendants requested an extension of time on May 28, 2015; then objected to all the Plaintiffs' requests on June 18, 2015, effectively leaving the Plaintiffs with no discovery; then proceeded to request extensions of time to respond to the discovery to which they had just objected, in July, August, and then on September 14, 2015; on the very date the court ordered a discovery conference to deal with these issues.

Lastly, the other dubious part of the Defendants' response is that the Defendants claim that they not only didn't object to everything, but that there were whole discovery requests to which they didn't object. If this is true, then why did the defense fail to answer those discovery requests as they

are required to do? They maintain they did not object to the entirety of the Plaintiffs' discovery requests (the attached exhibit will show that to be untrue), but if we were to take the Defendants at face-value in their claims, then why didn't they answer the discovery requests to which they claim they did not object, as would be required by the Practice Book; instead of continually filing requests for extensions of time to respond to discovery that should be readily available at their fingertips. As the Plaintiffs sit today, they have received no responses, and no discovery from the Defendants, and have filed their responses to the Defendants' discovery requests; as many of the things requested by the Defendants from the Plaintiffs, are the very same things the Plaintiffs requested from the Defendants, as the Defendants are in a much better position to obtain same information. As such, the Plaintiffs respectfully request that the Defendants' Motion for Extension of Time be denied, as a discovery conference is already scheduled on this matter to resolve these discovery issues.

RESPECTFULLY SUBMITTED
THE PLAINTIFFS

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CERTIFICATION

This is to certify that a copy of the foregoing, has been sent to all counsel of record and pro se parties in the above titled action, on the date marked hereon:

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EXHIBIT A